

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HAMID REZA HASEMI,
#77689

Plaintiff,

vs.

JACK PALMER, *et al.*,

Defendants.

3:11-cv-00694-HDM-VPC

ORDER

On September 26, 2011, the court received a habeas petition from petitioner on the court-approved form. Petitioner failed to submit an application to proceed *in forma pauperis* or to pay the filing fee.

Moreover, a petition for writ of habeas corpus is the method by which a prisoner challenges the legality or duration of his custody, or raises a constitutional challenge which could entitle him to an earlier release. *Preiser v. Rodriguez*, 411 U.S. 475 (1973); *Young v. Kenny*, 907 F.2d 874 (9th Cir. 1990), cert. denied 11 S.Ct. 1090 (1991). However, plaintiff appears to complain of the confiscation of his religious property, and therefore, his claims appear to implicate his civil rights pursuant to 42 U.S.C. § 1983 and do not sound in habeas corpus. Accordingly, this action is dismissed without prejudice. If plaintiff chooses to file a civil rights action pursuant to § 1983, he may do so in

1 a new action, with a new case number, on the court-approved forms, accompanied by either an
2 application to proceed *in forma pauperis* or the filing fee.

3 **IT IS THEREFORE ORDERED** that this petition is **DISMISSED** without prejudice.

4 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** plaintiff the approved form
5 for an Application to Proceed *In Forma Pauperis* by a prisoner, as well as the document "Information
6 and Instructions for Filing a Motion to Proceed *In Forma Pauperis*."

7 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** plaintiff the approved form
8 for filing a civil rights lawsuits under 42 U.S.C. §1983.

9 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close
10 this case.

11 DATED this 11th day of October, 2011.

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UNITED STATES DISTRICT JUDGE
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